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UNITED STATES DEPARTMENT OF AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

MODIFICATION OF DUTCH ELM DISEASE QUARANTINE REGULATIONS

INTRODUCTORY NOTE

This modification of the Dutch elm disease quarantine regulations brings under regulation for the first time area in Litchfield and New Haven Counties, Conn., Columbia and Ulster Counties, N. Y., and the entire county of Dutchess in New York. Extensions have been made to area formerly under regulation in one county in Connecticut, two in New York, and five in New Jersey, placing the entire counties of Hunterdon and Mercer, N. J., and Putnam, N. Y., within regulated area.

The embargo with reference to the interstate movement of elm material from the regulated areas is continued and restrictions have been added to limit the movement of such material from nonregulated area through regulated areas to the winter months and then only on a through bill of lading. This action is taken in order to control the movement of elm material during the annual flight period of the elm bark beetle.

The Dutch elm disease has been discovered in a number of townships in Bucks and Northampton Counties, Pa. The State has placed an embargo on the movement of elm material therefrom and Federal quarantine action is withheld, thereby continuing the embargo on the movement of sources of infection from heavily infected sections of New Jersey into Pennsylvania.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

AMENDMENT NO. 4 TO THE RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 71

(Approved September 6, 1939; effective September 11, 1939)

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulations 3 and 5 (secs. 301.71–3 and 5) of the rules and regulations supplemental to Notice of Quarantine No. 71 (sec. 301.71), on account of the Dutch elm disease, which were promulgated on February 20, 1935, are hereby amended to read as follows:

Regulation 3

SEC. 301.71–3. *Regulated areas.*—In accordance with the provisos to Notice of Quarantine No. 71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, cities, and boroughs listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut.—All of *Fairfield County* except the towns of Brookfield, New Fairfield, and Sherman; town of Southbury, in *New Haven County;* and the town of Woodbury, in *Litchfield County.*

New Jersey.—Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, and Union; all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and

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Spotswood; all of *Monmouth County* except the townships of Freehold, Millstone, Neptune, and Wall, the city of Long Branch, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; all of *Sussex County* except the township of Walpack; and all of *Warren County* except the township of Pahaquarry.

New York.—Counties of Bronx, Dutchess, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, and Westchester; town of Ancram, in *Columbia County;* all of *Orange County* except the towns of Crawford, Deerpark, and Wallkill, and the cities of Middletown and Port Jervis; town of Huntington, in *Suffolk County;* and the towns of Esopus, Lloyd, Marlborough, New Paltz, Plattekill, and Saugerties, and the city of Kingston, in *Ulster County.*[1]

Regulation 5

SEC. 301.71–5. *Control of movement of restricted plants and plant products.*—Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunk, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this regulation may be moved interstate from an area not under regulation through a regulated area to a nonregulated area only when such movement is on through billing: *Provided*, That such movement by truck or other road vehicle may not be made during the period from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease.[1]

This amendment shall be effective on and after September 11, 1939, and shall on that date supersede amendment No. 3, which became effective on November 9, 1937.

Done at the city of Washington this 6th day of September 1939.

Witness my hand and the seal of the United States Department of Agriculture.

H. A. WALLACE,
Secretary of Agriculture.

[1] Secs. 301.71–3 and 5 issued under authority of sec. 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U. S. C. 161.

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